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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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APR - 2 1996  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Revision of Part 22 and Part 90 )  
Commission's Rules to Facilitate )  
Future Development of Paging )  
Systems )

WT Docket No. 96-18

Implementation of Section 309(j) )  
of the Communications Act -- )  
Competitive Bidding )

PP Docket No. 93-253

To: The Commission

REPLY COMMENTS OF  
AMERICAN PAGING, INC.

American Paging, Inc. ("API"), by its attorneys, hereby submits its reply comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceedings regarding the proposed use of geographic licensing for paging services and the proposed adoption of competitive bidding rules for mutually exclusive paging applications.

Our reply comments support specific aspects of the comments filed by other parties which we believe should be adopted to protect the legitimate expectations of incumbent licensees, to deter speculation and to streamline licensing procedures.

\* \* \*

70-Mile Co-Channel Protection Standard. We support adoption of the 70-mile co-channel separation standard for all 931 MHz and 929 MHz systems as proposed in the Comments of Paging Network, Inc.

(pp. 27-31).<sup>1</sup> Use of this standard will provide adequate interference protection to incumbent licensees, provide an accurate and inexpensive method for co-channel licensees to make sure their systems are adequately separated and can be implemented by the FCC for compliance purposes with limited administrative overhead.

Upfront Payments. We support adoption of competitive bidding rules which will discourage speculation and anti-competitive bidding strategies. We have proposed in our Comments that bidders be required to make upfront payments on each license for which they intend to bid. We agree with the commentators who have argued that these payments should be \$10,000 per license in the top ten MTA markets and \$5,000 per license in all other MTA markets. We believe that these amounts will discourage frivolous and speculative filings and still allow reasonable opportunities for participation by bidders with credible expectations to launch systems.

Performance Bond. We also support the proposal by PCIA to require any MTA licensee to post a performance bond if that licensee does not already have facilities serving at least 10 percent of the population of the MTA involved. This requirement, in combination with strict construction/buildout standards, is appropriate to ensure that licensees are required to demonstrate early in the license term financial qualifications to meet buildout requirements. Such requirements encourage bidding by companies with credible business plans and tend to discourage bidding by

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<sup>1</sup> This proposal treats individual transmitter sites as having a circular service contour of 20 miles and a circular interference contour of 50 miles.

speculative or frivolous bidders who are either unwilling or unprepared to launch new systems.

\* \* \*

We strongly urge the Commission to address the market area licensing proposals in this proceeding at the earliest possible time. The transition of this healthy, dynamic and highly competitive industry to market area licensing holds great promise, provided it is promptly implemented. MTA licensing for the 931 MHz and 929 MHz bands, strong deterrents to speculative and anti-competitive bidding strategies and other streamlined procedures (such as use of the 20/50 mile contours) should be adopted to ensure that the Commission's public interest goals in terms of new and expanded existing services are achieved at an early date.

Respectfully submitted,

AMERICAN PAGING, INC.

April 2, 1996

By /s/ George Y. Wheeler  
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## CERTIFICATE OF SERVICE

I, Judy Cooper, a legal secretary for the law firm of Koteen & Naftalin, do hereby certify that a copy of the foregoing "Reply Comments" was sent by first class U.S. mail, postage prepaid, on this 2nd day of April, 1996, addressed to the following:

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